

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:06-CR-20395

vs.

Thomas L. Ludington
United States District Judge

ANTHONY JERMAINE ALLEN,

Defendant.

Michael Hluchaniuk
United States Magistrate Judge

ORDER OF DETENTION
PENDING REVOCATION PROCEEDINGS

Anthony Jermaine Allen, defendant in this case, appeared before the Court on November 5, 2008, on a petition and warrant for violation of conditions of supervised release, filed on March 28, 2008. Defendant is charged with a violation of Standard Condition Number 7 by using cocaine on July 3, 2007. Defendant is also charged with a violation of the Mandatory Condition by committing one or more felony criminal offenses on February 11, 2008. The report of the probation officer in this matter indicates that defendant began his term of supervised release on April 28, 2006.

The information presented at the hearing indicates that defendant committed the new crimes while under the supervision of the probation officer. The report of the probation officer further indicates that the defendant failed to comply with the terms of his supervised release by testing positive for the use of cocaine.

Based on the information submitted at the hearing, the Court finds that defendant now bears the burden to establish, under Federal Rules of Criminal Procedure 46(d), 32.1(a)(6), and 18 U.S.C. § 3143(a), by clear and convincing evidence, that he is not likely to flee or pose a danger to the safety of any other person or the community if released, pending a hearing on the supervised release violation petition. The only exception to this rule is where the guideline sentence for a violation of supervised release would not recommend imprisonment, which is not the case here. Based on the facts presented, defendant failed to meet this burden by a clear and convincing showing that he would not flee or engage in any further criminal activity. In particular, the Court finds that defendant poses a danger to the community by his commission of a new drug related offense while on supervision.

Accordingly, defendant shall be detained without bond in this matter

pending further proceedings before the district court judge. Defendant is remanded to the custody of the United States Marshal's Service.

IT IS SO ORDERED.

Date: November 5, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send such notification of such filing to the following: Craig Wininger, AUSA, David A. Koelzer, Federal Defender Office, and I certify that I have mailed by United States Postal Service/hand delivered the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, Michigan 48502, Probation Officer, 600 Church St., Flint, Michigan 48502.

s/ James P. Peltier
James P. Peltier
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